

REMARKS

The amendments and remarks presented herein are consistent with those noted in the telephone call of March 10, 2008. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Non-Final Office Action, mailed December 27, 2007, considered and rejected claims 1-23. Claims 1-4, 6 and 9-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dworkin (4,992,940). Claims 5, 8 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dworkin (4,992,940), in view of Singh (US2001/0047311A1). Claims 7 and 22 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Dworkin (4,992,940).

By this response, claims 1, 3-7, 10, 12-15, and 17-22 are amended, claims 2, 9, 11, and 16 are canceled, and claim 24 is added. Claims 1, 3-8, 10, 12-15, and 17-24 remain pending of which claims 1, 18, and 19 are independent.

The present invention is directed to embodiments for allowing modifications to business partner attributes without modifying the business process and such that the business process does not have to be recompiled each time an attribute is modified. As illustrated in claim 1, a compiled business process application that includes selection criteria is provided to an execution engine. In addition, a plurality of business partners with attributes is provided to the engine. The engine uses the selection criteria to select a first business partner with attributes that match the criteria. This selection is done by the engine without any intervention by a user.¹ Next, an attribute of a second business partner is updated so that its attributes match the selection criteria. This second business partner will then be selected by the engine due to its matching attributes. The only role the user plays in selecting the partner is in setting the selection criteria. Claim 18 is directed to a computer-readable storage medium for performing the method of claim 1, while claim 19 is directed to a system which performs the same method.

Each of the remaining claims was rejected under section 101 for being drawn to non-statutory subject matter because the method and system do not produce a tangible result. Applicant submits,

¹ Support for these amendments is found in paragraphs 20 and 21. The selection of a business partner is inherently carried out by the business process execution engine when it executes the business process application containing the selection criteria. For example, in paragraph 21, a user requests a widget. The request is received at the execution engine. The execution engine then automatically selects the business partner having the lowest cost for the widget. The user has no role in selecting the specific business partner, but only makes a request for a widget.

however, that in view of the current amendments, the claimed invention produces a tangible result. For example, the claimed method and system each provide the useful, concrete, and tangible result of selecting a business partner. By using the selection criteria to select a business partner with matching attributes, business partners may enter into desired business transactions.

Each of the independent claims was rejected as being anticipated by Dworkin. In addition, various dependent claims were rejected as being obvious in view of the combination of Dworkin and Singh. Applicant submits, however, that in view of the current amendments, these references fail to teach or suggest each limitation of the independent claims.

Dworkin is directed to a primitive online retail website. The website displays available products and allows users to purchase these products. It also provides search functionality. However, Dworkin does not disclose or suggest a business process like in the present invention. Specifically, in Dworkin, there is no selection of a business partner based on selection criteria. The user must select a product to purchase it. There is no automatic selection of the product that matches the selection criteria. Therefore, Dworkin fails to teach or suggest providing an execution engine with an application that includes selection criteria, automatically selecting a business partner based on the selection criteria, and automatically selecting a second business partner based on the updated attribute matching the selection criteria.

Singh is directed to an online marketplace that aids suppliers and purchasers in transacting business. Singh facilitates negotiations between these suppliers and purchasers. In other words, there is not automatic matching of business partners based on selection criteria. Singh does teach that the purchaser can provide a price and a quantity to the system, and the system will return eligible suppliers matching these criteria. However, in this situation, the buyer is still required to select the supplier or negotiate further. *See* para. 49. There is no automatic selection. Therefore, Singh fails to teach or suggest automatically selecting business partners based on the selection criteria.

In addition, neither reference teaches or suggests the use of a business process application. In the present invention, the application provides the user with the capability to automatically select a business partner by storing selection criteria. By using selection criteria, the application does not have to be modified when business partner attributes are updated. In contrast, Singh requires notification to the user so that the user knows of updates to the online catalog. *See* para. 50 ("The system can also

send alert messages to interested users that a catalog has changed or has been dynamically updated.”). This not only shows that there is no business process application, but further illustrates the lack of automatic selection in Singh. For example, after receiving the notification, the user would then be able to manually search through the online catalog to select a supplier. The notification is necessary because there is no application for automatically selecting business partners. The same is true for Dworkin. Therefore, these references also fail to teach or suggest providing a business process execution engine with a compiled business process application that includes selection criteria for selecting business partners. Both likewise fail to teach or suggest receiving at the business process an update to an attribute of a second business partner, wherein the update to the attribute is made without modifying the business process application.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.²

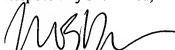
For example, there are many limitations presented in the dependent claims that further distinguish the claims from the cited art, including, but not limited to the limitations presented in claim 24 wherein the business process application is an executable file that is executed by the business process execution engine.

² Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 31st day of March, 2008.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437
Attorneys for Applicant
Customer No. 47973

JCF:ahy:kag:crb
KAG000000171V001